

REMARKS

The Office Action dated 21 May 2003 (hereinafter referred to as the OA) has been received, and its contents carefully studied. Applicant presents this response and amendment which Applicant believes is fully responsive to the OA.

Claims Objections

On page 2 of the OA, claims 148 and 149 were objected to by the Examiner because "... Claims 148-149 appear to be duplicates ...". Respectfully, this was incorrect as the preambles differed. However, due to the amendment made to independent claim 147 from which claims 148 and 149 depended (it now incorporates the elements found in these dependent claims), claims 148 and 149 have been canceled.

Applicant respectfully requests withdrawal of this objection in light of these changes.

Claims Rejections Under 35 USC §112 2nd ¶

Claim 138 was rejected as being indefinite due to the wording "said decoded savable game state". Claim 138 has been amended to remove the language that did not have proper antecedent basis.

In light of amended claim 138, Applicant respectfully requests withdrawal of the indefiniteness rejection.

Claims Rejections Under 35 USC § 102

Claims 134-149 and 151-152 stand rejected as

“... being clearly anticipated by US Patent 6,165,107 to Weiss. Weiss teaches a game system that allows a player to play a game over many sessions (Abstract). A player is given the ability to discontinue game play at his own whim as a function of time (1:59-67) and additionally, through the use of memory cards, holds game state data with player information (2:25-37). This information can be encrypted and stored on the memory cards for later use when restoring a game (2:25-37).”

OA, page 3. Applicant respectfully counter-asserts that this is incorrect. Applicant's invention is not Weiss' sports-game data saving invention. Applicant agrees that Weiss' disclosure discusses saving sports data from a sports game onto a memory card or smart card, and then allows a player to use the saved sports data at a later time by having the saved sports data read back into the game from the memory card or smart card. Applicant could not find teachings in Weiss to the presently claimed invention, however, which is for promotional data and for methods of using promotional award states and data for rewarding a player. For example, the time element of the present invention is a time limitation (allowing or not allowing use of the game's enhanced award state or other promotional states in addition to the game's normal game play state). Weiss teaches being able to start game play at a later time using saved sports data, which is not a

restriction or time-bound enablement mechanism as is the presently claimed invention.

The same holds true for each of the game state data of the present invention.

The present invention enables casinos to reward players in new and novel ways, including limitations on enhanced game play, reduced cost of credits, or any other game state different than the normal game state, using combinations of promotional aspects such as restrictions on time, location, etc. Further, players are making use of games whose outcome is based at least partially on a random event (this includes games whose outcome is wholly determined by chance such as Nevada-style slots, drawings, etc., and further includes games whose outcome depends on some skill and some random events such as poker). In order to help distinguish Weiss or any similar art (sports games) from the present invention, each pending independent claim now makes explicit reference to being limited to games whose outcome is based at least partially on a random event (chance).

The amended claims now explicitly list what was previously embedded in the definition of "newprom" (taken from the specification, no new matter added). Applicant amended each pending independent claim by adding language that explicitly lists the game state being saved or limitations being imposed when using the present invention. Applicant believes this makes the distinction over Weiss very clear. Applicant cannot find any teaching in Weiss to the type and kind of gaming device states and associated data, that being limitations on the game device or game play or on the availability of

certain game enhancements in the presently pending claims. Weiss teaches sports game data. The present invention teaches and claims promotional award data and restrictions, which is not the same (does not overlap). Applicant respectfully requests specific sites to Weiss to each element of the presently pending claims if the Examiner believes Weiss teaches the both the individual elements and their functional relationships.

In light of the above discussion and the amended claims, Applicant respectfully requests withdrawal of the 35 USC § 102 rejections.

Claims Rejections Under 35 USC § 103

Pending claim 50 was rejected as obvious in light of Weiss. Applicant does not agree that it is obvious to use the null state as described in claim 50, it being new to use the null state in the form and structure of promotional award functionality. In light of the amendments made to claim 147, claim 150's parent claim, it is explicitly clearer that Weiss does not apply, there being no teaching in Weiss for games having elements of chance and game state being promotional and award game states such as time and location limitations, not sports game states. Applicant respectfully requests specific cites to teachings in Weiss regarding the promotional and award states of the presently claimed invention if the Examiner disagrees.

In light of the above discussion and the amended claims, Applicant respectfully requests withdrawal of the 35 USC § 103 rejections.

CONCLUSION

The applicant believes this response to the OA is fully responsive and puts the application into condition for allowance. Applicant respectfully requests consideration for allowance thereby. Please feel free to contact the undersigned attorney with any questions or clarification regarding this matter.

Respectfully submitted,

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